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DISTRICT OF ARIZONA

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA - TUCSON DIVISION

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MAY 17 2004

CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA

BY

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Au-TOMOTIVE GOLD, INC.,

NO. CIV 01-162-TUC-WDB

Plaintiff/
Counterdefendant,*Consolidation of: USDC for Arizona Case No.
CIV 01-508 TUC WDB & USDC for Arizona
Case No. CIV 01-162 TUC JCC*

vs.

VOLKSWAGEN OF AMERICA,
INC.; AUDI OF AMERICA, INC.;
VOLKSWAGEN
AKTIENGESELLSCHAFT; AUDI
AKTIENGESELLSCHAFT; AND
CONTINENTAL ENTERPRISES,**ORDER GRANTING DECLARATORY
AND INJUNCTIVE RELIEF AGAINST
VOLKSWAGEN OF AMERICA, INC.,
VOLKSWAGENAKTIENGESELL-
SCHAFT, AUDI AKTIEN-
GESELLSCHAFT, AND MANDERS
DETECTIVE AGENCY, INC. DBA
CONTINENTAL ENTERPRISES**Defendants/
CounterclaimantsAssigned to:
Hon. William D. Browning

In accordance with the Orders of this Court dated April 7, 2003 and June 10, 2003, and the parties' arguments and evidence as to the matters set forth below,

IT IS HEREBY ORDERED:

- A. The license plates, license plate frames and key chains displaying Volkswagen and Audi trademarks manufactured and sold by Au-TOMOTIVE GOLD, Inc. ("AGI") are not trademark infringements and/or trademark counterfeiting.
- B. It is the right of AGI and its customers to continue their business in the manufacture and/or marketing, distribution and sale of such license plates, license plate frames and key chains without any further action, threat or

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1 Inc., Volkswagen Aktiengesellschaft, Audi Aktiengesellschaft and Manders
2 detective Agency, Inc. dba Continental Enterprises or anyone claiming
3 through such defendants on account of such trademarks;

4
5 C. Volkswagen of America, Inc., Volkswagen Aktiengesellschaft, Audi
6 Aktiengesellschaft, Manders Detective Agency, Inc. dba Continental
7 Enterprises and all of their directors, officers, employees, agents, attorneys
8 and all those acting or purporting to act on their behalf (collectively
9 "defendants") shall forever cease and desist from:

10 1. asserting, threatening or otherwise relying upon Volkswagen or Audi
11 trademarks as a basis for a claim of trademark infringement or trademark
12 counterfeiting against Au-TOMOTIVE GOLD, Inc. ("AGI") or its direct or
13 indirect customers;

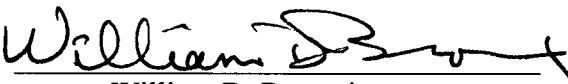
14
15 2. communicating with AGI or AGI's direct or indirect customers any
16 action or threat of action including but not limited to cease and desist
17 communications, requests for compensation or any other kind of action, threat
18 or interference relating to or arising from the trademarks or trade dress of
19 Volkswagen of America, Inc., Volkswagen Aktiengesellschaft or Audi
20 Aktiengesellschaft in connection with AGI's license plates, license plate
21 frames or key chains displaying Volkswagen or Audi trademarks;

22
23 D. Volkswagen of America, Inc. and Manders Detective Agency, Inc. dba
24 Continental Enterprises shall serve upon each of their directors, officers,
25 employees, agents or attorneys who participate in their trademark enforcement

1 activities a copy of this Order within forty-five (45) days of entry thereof and
2 provide the Court and counsel for AGI certification of such service including
3 a list of the names and addresses of persons and their job titles upon whom
4 such service was made.
5

6 E. Volkswagen of America, Inc. shall serve a copy of this Order upon each
7 person or business entity with whom or which defendants or any of them have
8 sent cease and desist correspondence regarding AGI or license plates, license
9 plate frames or key chains appearing to have been marketed, distributed or
10 sold by AGI within forty-five (45) days of entry thereof and provide the Court
11 and counsel for AGI certification of such service including a list of the names
12 and addresses of the persons and business entities upon whom such service
13 was made.
14

15 DATED this 13 day of May, 2003.
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18 William D. Browning
19 Senior United States District Judge
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